

UNITED STATES DISTRICT COURT

for

MAY 3 2019

Eastern District of Washington

SEAN F. MCAVOY, CLERK  
DEPUTY  
YAKIMA, WASHINGTON

U.S.A. vs.

Howard, Darrin Jay

Docket No.

0980 1:18CR02052-LRS-1

**Petition for Action on Conditions of Pretrial Release**

COMES NOW Jose Zepeda, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Darrin Jay Howard, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 7th day of November, 2018, under the following conditions:

**Special Condition #6:** Defendant shall submit to random urinalysis and/or Breathalyzer testing as directed by the United States Probation/Pretrial Services Office, to include portable Breathalyzer testing up to six times per day. Defendant is responsible for the cost of portable Breathalyzer testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Darrin Jay Howard is alleged to have failed to submit to scheduled Breathalyzer tests on April 17, 20, and 24, 2019.

On November 8, 2018, the conditions of pretrial release supervision were reviewed and signed by Mr. Howard. He acknowledged an understanding of his conditions, which included special condition number 6. On November 9, 2018, confirmation was received from Smart Start indicating the defendant enrolled in their Breathalyzer testing program.

This officer received notification from Smart Start indicating Mr. Howard skipped the 8 to 9 a.m. scheduled Breathalyzer testing period on April 17, 2019. The report also noted he tested outside the testing period at 11:21 a.m., but the test returned negative.

This officer received notifications from Smart Start indicating Mr. Howard skipped the 10 to 11 a.m. scheduled Breathalyzer testing period on April 20, 2019. Mr. Howard again skipped the 8 to 9 a.m. scheduled Breathalyzer testing period on April 24, 2019.

Mr. Howard has been verbally reprimanded regarding his missed tests. His response was that he believed he took those tests. Despite the defendant having missed those tests, to his credit, all tests provided after have returned with negative results.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury  
that the foregoing is true and correct.

Executed on: May 3, 2019

by s/Jose Zepeda

Jose Zepeda  
U.S. Pretrial Services Officer

**Re: Howard, Darrin Jay**

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THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

5/3/19

Date